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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,664	02/28/2006	Jean-Marie Finot	0589-1007	6352
466	7590	07/17/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER SOTELO, JESUS D	
			ART UNIT 3617	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/537,664

Applicant(s)

FINOT, JEAN-MARIE

Examiner

Jesús D. Sotelo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-8 are in the application.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation in claim 1, lines 4-6 that the sail is "parallel to its luff" is inaccurate. The sail is along a plane and the luff is along a line. A plane can not be parallel to a line. The sail could be said to be parallel to a plane including the axis of the luff.

In claim 6, the alternative language makes this claim indefinite.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (5,315,948) in view of Baudet (6,302,044).

Brown discloses a sail 5 designed to be rolled on a reel. Means 6 is provided and designed to be thicker in cross section along the middle and thinner in the ends creating an additional volume in the central part of the reel. Baudet discloses a sail construction wherein the sail is produced from transverse and longitudinal fibers 24, 26 incorporated between two films 32, 42, generally as in claim 2.

In view of these disclosures, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the sail of Brown with a sail constructed generally as taught by Baudet. The specific materials used in the fibers and

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the films are deemed to have been obvious matters of design choice to one having ordinary skill in the art. The motivation for substituting the sail would be to provide a more durable sail.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crall (3,749,043) in view of Baudet (6,302,044).

Crall discloses a sail 18 designed to be rolled on a reel 26. The reel 26 is provided and designed to be thicker in cross section along the middle and thinner in the ends creating an additional volume in the central part of the reel. The reel consists of a generally biconical configuration as shown in figure 3. Baudet discloses a sail construction wherein the sail is produced from transverse and longitudinal fibers 24, 26 incorporated between two films 32, 42, generally as in claim 2.

In view of these disclosures, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the sail of Crall with a sail constructed generally as taught by Baudet. The specific materials used in the fibers and the films are deemed to have been obvious matters of design choice to one having ordinary skill in the art. The motivation for substituting the sail would be to provide a more durable sail.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crall (3,749,043) in view of Baudet (6,302,044), as applied to claim 1 above, and further in view of Kettermann (6,892,660).

The use of slats in sails is well known in the art. Although most slats are arranged perpendicularly to the luff, other configurations are used, as in Kettermann, wherein the

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slats are located in an "up-down" configuration. To arrange the slats parallel to the luff would have been an obvious matter of design choice to one having ordinary skill in the art.

7. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crall (3,749,043) in view of Baudet (6,302,044), as applied to claim 1 above, and further in view of Shapland (4,269,134).

Shapland discloses a sail mounted on a reel located on the luff. The reel is provided with fairing forming an aerofoil and having spoilers 27. In view of these disclosures, it would have been obvious to one having ordinary skill in the art to provide the reel of Crall with a fairing generally as taught by Shapland. The use of a fairing would have been desirable to create an aerodynamic structure for the flow of wind.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is 571-272-6686. The examiner can normally be reached on Mon. – Fri. 5:30 AM – 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Jesús D. Sotelo*  
*Jesús D. Sotelo*

**Primary Examiner**

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KNX 03D85 ☺

jds  
July 5, 2007